



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB5364**

Introduced 2/15/2012, by Rep. Bill Mitchell

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/12-4.45 new

Amends the Administration Article of the Illinois Public Aid Code. Provides that the Department of Human Services shall require a drug test to screen each individual who applies for Temporary Assistance for Needy Families (TANF), and that subject to federal approval, the Department shall require a drug test to screen each individual who applies for benefits under the federal Supplemental Nutrition Assistance Program (SNAP). Contains provisions concerning notice; persons required to comply with the drug testing requirements; persons exempt for the drug testing requirements; reimbursements for the cost of the drug test; and other matters. Effective July 1, 2012.

LRB097 14833 KTG 59862 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by  
5 adding Section 12-4.45 as follows:

6 (305 ILCS 5/12-4.45 new)

7 Sec. 12-4.45. Drug screening for applicants.

8 (a) The Department of Human Services shall require a drug  
9 test to screen each individual who applies for Temporary  
10 Assistance for Needy Families (TANF) under Article IV of this  
11 Code.

12 Subject to federal approval, the Department shall require a  
13 drug test to screen each individual who applies for benefits  
14 under the federal Supplemental Nutrition Assistance Program  
15 (SNAP).

16 The cost of drug testing shall be the responsibility of the  
17 individual tested.

18 (1) An individual subject to the requirements of this  
19 Section includes any parent or caretaker relative who is  
20 included in an assistance unit that receives TANF cash  
21 assistance under Article IV of this Code, including an  
22 individual who may be exempt from work activity  
23 requirements due to the age of the youngest child or who

1       may be exempt from work activity requirements as provided  
2       under Section 9A-4 of this Code.

3       (2) An individual who tests positive for controlled  
4       substances as a result of a drug test required under this  
5       Section is ineligible to receive TANF benefits or SNAP  
6       benefits for one year after the date of the positive drug  
7       test, unless the individual meets the requirements of  
8       paragraph (10) of subsection (b).

9       (b) The Department shall:

10       (1) Provide notice of drug testing to each individual  
11       at the time of application. The notice must advise the  
12       individual that drug testing will be conducted as a  
13       condition for receiving TANF benefits or SNAP benefits and  
14       that the individual must bear the cost of testing. If the  
15       individual tests negative for controlled substances, the  
16       Department shall increase the amount of the initial TANF  
17       benefit or SNAP benefit by the amount paid by the  
18       individual for the drug testing. The individual shall be  
19       advised that the required drug testing may be avoided if  
20       the individual does not apply for TANF benefits or SNAP  
21       benefits. Dependent children under the age of 18 are exempt  
22       from the drug testing requirement.

23       (2) Require that for 2-parent families, both parents  
24       must comply with the drug testing requirement.

25       (3) Require that any teen parent who is not required to  
26       live with a parent, legal guardian, or other adult

1 caretaker relative must comply with the drug testing  
2 requirement.

3 (4) Advise each individual to be tested, before the  
4 test is conducted, that he or she may, but is not required  
5 to, advise the agent administering the test of any  
6 prescription or over-the-counter medication he or she is  
7 taking.

8 (5) Require each individual to be tested to sign a  
9 written acknowledgment that he or she has received and  
10 understood the notice and advice provided under paragraphs  
11 (1) and (4).

12 (6) Assure each individual being tested a reasonable  
13 degree of dignity while producing and submitting a sample  
14 for drug testing, consistent with the State's need to  
15 ensure the reliability of the sample.

16 (7) Specify circumstances under which an individual  
17 who fails a drug test has the right to take one or more  
18 additional tests.

19 (8) Inform an individual who tests positive for a  
20 controlled substance and is deemed ineligible for TANF  
21 benefits or SNAP benefits that the individual may reapply  
22 for those benefits one year after the date of the positive  
23 drug test, unless the individual meets the requirements of  
24 paragraph (10) of this subsection. If the individual tests  
25 positive again, he or she is ineligible to receive TANF  
26 benefits or SNAP benefits for 3 years after the date of the

1 second positive drug test, unless the individual meets the  
2 requirements of paragraph (10) of this subsection.

3 (9) Provide any individual who tests positive with a  
4 list of licensed substance abuse treatment providers  
5 available in the area in which he or she resides. Neither  
6 the Department nor the State is responsible for providing  
7 or paying for substance abuse treatment as part of the  
8 screening conducted under this Section.

9 (10) An individual who tests positive under this  
10 Section and is denied TANF benefits or SNAP benefits as a  
11 result may reapply for those benefits after 6 months if the  
12 individual can document the successful completion of a  
13 substance abuse treatment program. An individual who has  
14 met the requirements of this paragraph and reapplies for  
15 TANF benefits or SNAP benefits must also pass an initial  
16 drug test and meet the requirements of subsection (a). Any  
17 drug test conducted while the individual is undergoing  
18 substance abuse treatment must meet the requirements of  
19 subsection (a). The cost of any drug testing and substance  
20 abuse treatment provided under this Section shall be the  
21 responsibility of the individual being tested and  
22 receiving treatment. An individual who fails the drug test  
23 required under subsection (a) may reapply for benefits  
24 under this paragraph (10) only once.

25 (c) If a parent is deemed ineligible for TANF benefits or  
26 SNAP benefits as a result of failing a drug test conducted

1 under this Section:

2 (1) The dependent child's eligibility for TANF  
3 benefits or SNAP benefits is not affected.

4 (2) An appropriate protective payee shall be  
5 designated to receive benefits on behalf of the child.

6 (3) The parent may choose to designate another  
7 individual to receive benefits for the parent's minor  
8 child. The designated individual must be an immediate  
9 family member or, if an immediate family member is not  
10 available or the family member declines the option, another  
11 individual, approved by the Department, may be designated.  
12 The designated individual must also undergo drug testing  
13 before being approved to receive benefits on behalf of the  
14 child. If the designated individual tests positive for  
15 controlled substances, he or she is ineligible to receive  
16 benefits on behalf of the child.

17 (d) The Department shall adopt rules to implement this  
18 Section.

19 Section 99. Effective date. This Act takes effect July 1,  
20 2012.